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potential Rule 23 Class*

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

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LIYOU XING,
*on his own behalf and on behalf of others similarly
situated,*

Plaintiffs,
v.

Case No. 18-cv-06616

MAYFLOWER INTERNATIONAL HOTEL GROUP
INC

d/b/a Mayflower Hotel and
d/b/a Wyndham Garden;

MAYFLOWER BUSINESS GROUP, LLC

d/b/a Mayflower Hotel and
d/b/a Wyndham Garden;

MAYFLOWER INN CORPORATION

d/b/a Mayflower Hotel and
d/b/a Wyndham Garden;

MAYFLOWER WENYU LLC

d/b/a Mayflower Hotel and
d/b/a Wyndham Garden;

YAN ZHI HOTEL MANAGEMENT INC.

d/b/a Mayflower Hotel and
d/b/a Wyndham Garden;

MAYFLOWER 1-1 LLC

d/b/a Mayflower Hotel and
d/b/a Wyndham Garden;

YUEHUA HU,

WEI HONG HU a/k/a Weihong Hu, and

XIAOZHUANG GE

Defendants.

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29 U.S.C. § 216(b)
COLLECTIVE ACTION &
FED. R. CIV. P. 23 CLASS
ACTION

**AFFIDAVIT OF JUNHUI YAN
IN SUPPORT OF
PLAINTIFF'S MOTION FOR
CONDITIONAL
COLLECTIVE
CERTIFICATION**

I, JUNHUI YAN, being duly sworn and under penalty of perjury, deposes and states as follows:

1. I am a resident of Queens, New York, and I am over 18 years of age.

2. I have personal knowledge of the matters stated below.
3. From on or about August 24, 2016 to August 20, 2018, I was employed as a Mechanic and manager assistant by Defendants' to work at the Mayflower Hotel located at 61-27 186th Street, Fresh Meadows, NY 11365.
4. From on or about August 01, 2017 to August 20, 2017, I was dispatched to work as a Mechanic and manager assistant of housing department employed by Defendants at the Mayflower Hotel located at Howard Johnson Hotel at 38-59 12th Street, Long Island City, NY 11101.
5. From on or about August 24, 2016 to August 20, 2018, my regular work schedule ran from 09:00 to 18:00 with one (1) hour meal break for eight (8) hours a day Mondays through Fridays for five (5) days a week and for a total of 40 hours per week.
6. In addition to my regular working schedule, I was required to work for 8 hours per day on every Saturday for about four weeks. Which totaled my working hours for about 48 hours per week.
7. From on or about August 24, 2016 to December 31, 2016, I was paid a flat compensation at a rate of twelve dollars (\$12.00) per hour.
8. From on or about January 01, 2017 to August 20, 2018, I was paid a flat compensation at a rate of fifteen dollars (\$15.00) per hour.
9. At all relevant times, I was not paid for all hours worked.
10. At all relevant times, I was not paid overtime pay for overtime work.
11. Throughout my employment, I was not given a statement with my weekly payment reflecting employee's name, employer's name, employer's address and telephone number, employee's rate or rates of pay, any deductions made from employee's

wages, any allowances claimed as part of the minimum wage, and the employee's gross and net wages for each pay day in Chinese, my native language.

12. At the time of my hiring, Defendants never provided me with any hiring notice which informed me of my hourly rate, regular pay day, any allowance taken, or such other information required by New York Labor Law.

13. Throughout my employment, I was not compensated at least at one-and-one-half my promised hourly rate for all hours worked above forty (40) hours in each workweek.

14. I know that it is Defendants' policy to not pay any employee at time and a half rate for all of their overtime hours. I know this because I have talked with other employees, who has the same or similar working schedule as me, and told that they were also not paid for the total amount of hours they have worked, nor compensated for all of their overtime hours worked.

15. During my employment, I befriended some of the co-workers who worked for Defendants and suffered from the same practice and policy.

16. I know a co-worker who worked as an engineer at the Wyndham Garden Hotel located at 61-27 186th Street, Fresh Meadows, NY 11365 named Chao Chen.

17. Chao Chen is about thirty years old and around 1.90 meters' in height. He is from Hebei Province, China.

18. Chao Chen started working for the Defendants from on and about 2015 and was terminated in on or about April or May of 2018.

19. During his employment, Chao Chen's working schedule ran from 9:00 to 18:00 with one-hour break from 12:00-13:00 for 5 days a week. In addition to his regular working schedule, he had to work two additional hours every day for which he was not paid any overtime pay. Throughout his employment with the Defendants he worked around 50 hours a week.

20. I know Chao Chen's schedule because we worked together every day during his employment with the Defendants'.

21. I know Chao Chen was paid at the rate of \$22 per hour.

22. I know about his pay because during one of our conversations while working for the Defendants, Chen mentioned how much he was paid.

23. I know another co-worker named Wei Lin, he was employed by the Defendants to work as an engineer at the Wyndham Garden Hotel located at 61-27 186th Street, Fresh Meadows, NY 11365.
24. Wei Lin is twenty-eight or twenty-nine years old and around 1.73 meters tall. He told me he came from Fujian Province, China.
25. Wei Lin started working for the Defendants from on or about 2015 and he was terminated on or about February or in March of 2018.
26. During his employment, Wei Lin's working schedule ran from 9:00 to 18:00 with one-hour break from 12:00-13:00 for 5 days a week. In addition to his regular working schedule, he had to work two additional hours every day for which he was not paid any overtime pay. Throughout his employment with the Defendants he worked around 50 hours a week.
27. I know Wei Lin's schedule because we worked together every day during his employment with the Defendants.
28. I know Wei Lin was paid at the rate of \$35 per hour.
29. I am aware about his pay rate because during one of the conversation between manager Ah Mei and another manager, I heard Ah Mei mentioning Lin's hourly rate.
30. I know another co-worker named Zheng Su. She worked as a housekeeper at the Howard Johnson Hotel located at 38-59 12th Street, Long Island City, NY 11101.
31. Zheng Su is from Fujian Province, China. She is around fifty years old and around 1.55 meters in height.
32. Zheng Su worked for the Defendants from on and about August 01, 2017 to August 20, 2017.
33. During her employment with the Defendants, Zheng Su's working schedule ran from 9:00 to 18:00 with one-hour break from 12:00-13:00 for 5 days a week. Throughout her employment with the Defendants she worked around 40 hours a week.
34. I am aware about her working schedule because we worked together every day during her employment with the Defendants.
35. I know Zheng Su was paid at the rate of \$13.50 per hour.

36. I am aware about her wages because during one of our conversations in August 2017, she mentioned she wants her pay to be increased because she is paid only \$13.50 dollars per hour and she was not happy with her pay.
37. I know another co-worker named “Zhou” whom we also referred to as “Xiao Zhou”.
- Zhou worked as a cleaner for Howard Johnson Hotel located at 38-59 12th Street, Long Island City, NY 11101 and Wyndham Garden Hotel located at 61-27 186th Street, Fresh Meadows, NY 11365.
38. Xiao Zhou is from Shanxi Province, China, around fifty years old and about 1.58 meters in height.
39. Xiao Zhou started working for the Defendants from on or about February 2016 to July 2016 at the Howard Johnson Hotel located at 38-59 12th Street, Long Island City, NY 11101.
40. From on or about August 2016, he was dispatched to work at the Wyndham Garden Hotel located at 61-27 186th Street, Fresh Meadows, NY 11365.
41. Xiao Zhou’s working schedule ran from 9:00 to 18:00 with one-hour break from 12:00-13:00 for 5 days a week. Throughout, his employment with the Defendants he worked for around 40 hours a week.
42. I know his working schedule because of our similar working schedules.
43. I know Xiao Zhou was paid about \$12 per hour, I am aware about his pay due to our conversation that took place in December 2016, he mentioned he is not satisfied with his hourly rate and he wants his wages to be increased.
44. Xiao Zhou stopped working with the Defendants around February or March of 2017.
45. I sincerely believe there are other employees who are also paid less and are not paid for all the hours they worked for the Defendants.
46. I sincerely hope that this Court allows me to represent the interest of my co-workers in this action. These Defendants exploited me and my co-workers, and it is my hope that we will be permitted to recover wages that we are owed.
47. This has been translated into my native language of Chinese and I understand the contents.

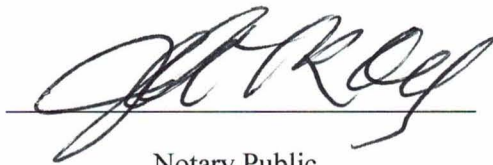
Dated: 05-15-2019

Flushing, NY



Yan, Jun Hui

Sworn to me this 15th day of May, 2019



Notary Public

JOHN TROY
Notary Public, State of New York
No. 02TR6121824
Qualified in Queens County
Commission Expires 04/12/2021